In that case, after the note was barred, defendant made a payment of $140 by way of interest to the holder, part of which was paid as interest on the barred debt, and there was the following memorandum: "by interest $140." This writing clearly does not amount to a written acknowledgment of the debt[9] and could only be valid as a memorandum of the fact of the payment of interest. On the original hearing the court seemed to assume without discussion that a memorandum of payment is a sufficient writing, but on rehearing this was one of the grounds of reversal, the court requiring the acknowledgment itself to be in writing, and overruling the distinction suggested in Barron v. Kennedy.

But the distinction seems logical. Before the California statute was adopted a promise to pay the barred debt was inferred from a verbal acknowledgment or from an acknowledgment by the act of part payment. The Code provides that no acknowledgment or promise is sufficient unless contained in some writing. Under this section, the words of a verbal acknowledgment would have to be reduced to writing for such an acknowledgment to be contained in some writing. In the case of a payment, however, since the promise is inferred from the act, a written memorandum of the act would contain the acknowledgment "in some writing" within the meaning of the statute.

E. M. C.

Book Reviews

"JUSTICE THROUGH SIMPLIFIED LEGAL PROCEDURE."—(Annals of the American Academy of Political and Social Sciences. Vol. 73, No. 162). Concord, New Hampshire, 1917. pp. v, 251.

This is an important addition to the growing literature dealing with the reform of judicial procedure and judicial organization. It contains the "Report to the Phi Delta Phi Club of New York City" by its Committee of Nine of which Henry W. Jessup was Chairman, "Observations" upon the report by Charles A. Boston, "The Layman's Demand for Improved Judicial Machinery" by William L. Ransome, "The Working of the New Jersey Short Practice Act" by Martin Conboy, "Progress of the Proposal to Substitute Rules of Court for Common Law Practice" by Thomas W. Shelton, Chairman of the Committee on Uniform Judicial Procedure of the American Bar Association, "An Efficient County Court System" by Herbert Harley, Secretary of the American Judicature Society of Chicago, "A Justice Factory" by Frederick D. Wells, Justice of the New York Municipal Court, "Administration of Business and Discipline by the Courts" by Julius Henry Cohen, "The Organization of the Court" by George W. Alger, and "Looking Forward in the Law" by Andrew Younger Wood, Editor of the San Francisco Recorder.

The names of the contributors and the subjects indicate the

widespread interest that is being taken in the subject. National organizations such as the American Bar Association and local organizations from New York to California are seriously considering reforms that but a decade ago would have been looked upon as fantastical. The idea of centralized administration which, as Leslie Stephen points out in his "English Utilitarians", was so hateful to the dominant class of Englishmen in the eighteenth century that they even made their Parliament into "a kind of federal league representing the wills of a number of partially independent persons" and left the country gentleman Justice of the Peace the centre of their administrative system, was continued, at least so far as concerns distrust of organization, in our own country. Indeed, the Puritan tradition distrusted administration even more than the Whig tradition of the country squire. Yet one of the most prominent notes in the program of legal reform is this of the necessity of some central power which may control the workings of our judicial system. Almost all of the writers in this volume emphasize the need of an elastic judicial system under some centralized plan of administration.

Another idea which a former generation would have regarded as revolutionary is the suggestion that procedure should be governed not by rigid laws but by elastic rules of court. Here too, is an idea that runs athwart the course of our history. Distrust of the discretion of the magistracy has been a maxim not only in our own history for more than a century but distrust of the judiciary was, contrary to the usually accepted notion, a common article of faith of the eighteenth century Englishman. (Hearn, Government of England, 82, 141-3.)

As democracy has moved farther in the line of direct control over the law and its machinery, it may well be that the time is ripe for some sort of organization in our judicial system—a thing of which it is now almost wholly devoid—and also for a freer form of application of law than has been permitted by the traditions of a system of procedure which has exaggerated the contentious or litigious element. Our new contact with world problems and the new forms of organization necessary to deal with them give hope that the need of combining organization with elasticity in our legal system will become evident to our people, as it is becoming evident in the field of military and civil affairs. As the contributions in this volume indicate, the layman has not as yet expressed his views in any authentic form on the essential problems of judicial reform. The lawyer should be prepared to discuss with some intelligence the essentials of a judicial system if he is to have any influence in the determination of the legal development of the future. The present volume will materially help to familiarize him with the work which forward-looking men of his profession are thinking and saying.

O. K. M.